

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY CULP, as Next Friend of  
SETH CULP, a minor,

Plaintiff,

v.

Case No. 07-12947

SEARS ROEBUCK AND CO.,

Honorable Sean F. Cox

Defendant.

**ORDER**

Plaintiff filed suit against Defendant in Wayne County Circuit Court on or about May 14, 2007. Defendant then removed the action to this Court asserting diversity jurisdiction. On July 30, 2007, Plaintiff filed a motion seeking to remand this action to state court, asserting that the amount in controversy does not exceed the jurisdictional amount of \$75,000.

Rule 81.1 of the Local Rules for the Eastern District of Michigan governs removal of diversity actions and provides, in pertinent part:

(d) If a plaintiff moves to remand, contending that the amount in controversy does not exceed the required jurisdictional amount, the plaintiff must include with the motion a signed statement of damages claimed, itemizing all damages by category and amount, or, for those categories for which the plaintiff is unable to specify a precise amount, an estimate of the maximum amount and a detailed description of the factual basis for the estimate.

(e) The court will not enter an order to remand on the ground that the amount in controversy does not exceed the required jurisdictional amount without an opportunity to be heard.

L.R. 81.1(d) and (e).

Plaintiff's motion to remand does not comply with the requirements of L.R. 81.1(d).

Accordingly, **IT IS ORDERED** that Plaintiff shall file a signed statement of damages, as

required by L.R. 81.1(d), within seven (7) days of the date of this order.

**IT IS FURTHER ORDERED** that if Defendant wishes to file a response to the motion for remand, it shall file such response within fourteen (14) days after service of Plaintiff's signed statement of damages.

**IT IS SO ORDERED.**

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 31, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 31, 2007, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager